

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

D

SENATE BILL 5
Second Edition Engrossed 2/20/19
House Committee Substitute Favorable 7/10/19
House Committee Substitute #2 Favorable 7/15/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S5-PCS15394-BN-36

Short Title: School Safety Omnibus.

(Public)

Sponsors:

Referred to:

January 31, 2019

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH THAT SCHOOL SAFETY REQUIREMENTS APPLY TO ALL
2 PUBLIC SCHOOLS, CLARIFY THE POWERS AND DUTIES OF THE CENTER FOR
3 SAFER SCHOOLS, REQUIRE REPORTING ON THE OPERATIONAL STATUS OF
4 ALL PUBLIC SCHOOLS DURING STATES OF EMERGENCY, DEFINE THE TERM
5 "SCHOOL RESOURCE OFFICER" AND REQUIRE TRAINING FOR SCHOOL
6 RESOURCE OFFICERS, REQUIRE ANNUAL VULNERABILITY ASSESSMENTS FOR
7 EACH PUBLIC SCHOOL BUILDING, REQUIRE THREAT ASSESSMENT TEAMS BE
8 ESTABLISHED AT EACH PUBLIC SCHOOL AND CODIFY THE DUTIES OF THREAT
9 ASSESSMENT TEAMS, REQUIRE LME/MCOS TO PROVIDE ASSISTANCE TO
10 STUDENTS REFERRED BY THE SUPERINTENDENT, REQUIRE LOCAL BOARDS
11 OF EDUCATION TO REQUIRE PEER-TO-PEER SUPPORT PROGRAMS AT ALL
12 SCHOOLS WITH GRADES SIX AND HIGHER, AUTHORIZE THE TRANSFER OF
13 UNENCUMBERED FUNDS PROVIDED FOR THE ANONYMOUS SAFETY TIP LINE
14 APPLICATION FROM THE DEPARTMENT OF PUBLIC INSTRUCTION TO THE
15 DEPARTMENT OF PUBLIC SAFETY FOR IMPLEMENTATION OF A DIGITAL
16 PANIC ALARM APPLICATION, AND PROVIDE FOR TRAUMA KITS IN SCHOOLS.

17 The General Assembly of North Carolina enacts:

18
19
20 **PART I. REQUIREMENTS FOR SCHOOL SAFETY FOR ALL PUBLIC SCHOOLS**

21 **SECTION 1.(a)** G.S. 115C-105.46, 115C-105.47A, and 115C-105.48 are codified
22 into Part 1 of Article 8C of Chapter 115C of the General Statutes, Local Plans for Alternative
23 Schools/Alternative Learning Programs and Maintaining Safe and Orderly Schools. Part 1 shall
24 be entitled "Local Plans for Alternative Schools/Alternative Learning Programs." The remaining
25 sections of Article 8C of Chapter 115C of the General Statutes shall be codified into Part 2, which
26 shall be entitled "Maintaining Safe and Orderly Schools."

27 **SECTION 1.(b)** G.S. 115C-105.49 reads as rewritten:

28 "**§ 115C-105.49. School safety exercises.**

29 (a) At least once annually, each ~~local school administrative~~ public school unit shall
30 require each school under its control to hold a full school-wide tabletop exercise and drill based
31 on the procedures documented in its School Risk Management Plan ~~(SRMP)~~ (SRMP) and shall
32 report the date and time the drill is conducted to the Center for Safer Schools. The drill shall
33 include a practice school lockdown due to an intruder on school grounds. Each school is



* S 5 - P C S 1 5 3 9 4 - B N - 3 6 *

1 encouraged to hold a tabletop exercise and drill for multiple hazards included in its SRMP.
2 Schools are strongly encouraged to include local law enforcement agencies and emergency
3 management agencies in their tabletop exercises and drills. The purpose of the tabletop exercises
4 and drills shall be to permit participants to (i) discuss simulated emergency situations in a
5 low-stress environment, (ii) clarify their roles and responsibilities and the overall logistics of
6 dealing with an emergency, and (iii) identify areas in which the SRMP needs to be modified.

7 ...

8 (d) The Department of Public Safety, Division of Emergency Management, and the
9 Center for Safer Schools shall provide guidance and recommendations to ~~local school~~
10 ~~administrative-public school~~ units on the types of multiple hazards to plan and respond to,
11 including intruders on school grounds."

12 **SECTION 1.(c)** G.S. 115C-105.49A(b) reads as rewritten:

13 "(b) In constructing the SRRMS, the Division of Emergency Management and the Center
14 for Safer Schools shall leverage the existing enterprise risk management database, the School
15 Risk Management Planning tool managed by the Division. The Division shall also leverage the
16 ~~local school administrative-public school unit~~ and participating nonpublic school schematic
17 diagrams of school facilities. Where technically feasible, the SRRMS shall integrate any
18 anonymous tip lines established pursuant to G.S. 115C-105.51 and any 911-initiated panic alarm
19 systems authorized as part of a SRMP pursuant to G.S. 115C-47(40). The Division and the Center
20 for Safer Schools shall collaborate with the Department of Public Instruction and the North
21 Carolina 911 Board in the design, implementation, and maintenance of the SRRMS."

22 **SECTION 1.(d)** G.S. 115C-105.52 reads as rewritten:

23 **"§ 115C-105.52. School crisis kits.**

24 The Department of Public Instruction, in consultation with the Department of Public Safety
25 through the North Carolina Center for Safer Schools, may develop and adopt policies on the
26 placement of school crisis kits in schools and on the contents of those kits. The kits should
27 include, at a minimum, basic first-aid supplies, communications devices, and other items
28 recommended by the International Association of Chiefs of Police.

29 The principal of each school, in coordination with the law enforcement agencies that are part
30 of the ~~local board of education's public school unit's~~ School Risk Management Plan, may place
31 one or more crisis kits at appropriate locations in the school."

32 **SECTION 1.(e)** G.S. 115C-105.53 reads as rewritten:

33 **"§ 115C-105.53. Schematic diagrams and emergency access to school buildings for local
34 law enforcement agencies.**

35 (a) Each ~~local school administrative-public school~~ unit shall provide the following to
36 local law enforcement agencies: (i) schematic diagrams, including digital schematic diagrams,
37 and (ii) either keys to the main entrance of all school buildings or emergency access to key storage
38 devices such as KNOX® boxes for all school buildings. ~~Local school administrative-Public~~
39 school units shall provide updates of the schematic diagrams to local law enforcement agencies
40 when substantial modifications such as new facilities or modifications to doors and windows are
41 made to school buildings. ~~Local school administrative-Public school~~ units shall also be
42 responsible for providing local law enforcement agencies with updated access to school buildings
43 when changes are made to the locks of the main entrances or to key storage devices such as
44 KNOX® boxes.

45 (b) The Department of Public Instruction, in consultation with the Department of Public
46 Safety, shall develop standards and guidelines for the preparation and content of schematic
47 diagrams and necessary updates. ~~Local school administrative-Public school units and~~
48 participating nonpublic schools may use these standards and guidelines to assist in the
49 preparation of their schematic diagrams.

50"

51 **SECTION 1.(f)** G.S. 115C-105.54(a) reads as rewritten:

1 "~~(a) Each local school administrative-public school~~ unit shall provide the following to the
2 Division of Emergency Management (Division) at the Department of Public Safety: (i) schematic
3 diagrams, including digital schematic diagrams, and (ii) emergency response information
4 requested by the Division for the School Risk Management Plan (SRMP). ~~Local school~~
5 ~~administrative-Public school~~ units shall also provide updated schematic diagrams and emergency
6 response information to the Division when such updates are made. The Division shall ensure that
7 the diagrams and emergency response information are securely stored and distributed as provided
8 in the SRMP to first responders, emergency personnel, and school personnel and approved by
9 the Department of Public Instruction."

10 **SECTION 1.(g)** G.S. 115C-218.75(b), (d), and (e) are repealed.

11 **SECTION 1.(h)** G.S. 115C-218.75 is amended by adding a new subsection to read:

12 "(g) Each charter school shall comply with the applicable requirements of Part 2 of Article
13 8C of this Chapter."

14 **SECTION 1.(i)** G.S. 115C-238.66(7a), (7b), (7c), and (7d) are repealed.

15 **SECTION 1.(j)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

16 "(14) Each regional school shall comply with the applicable requirements of Part 2
17 of Article 8C of this Chapter."

18 **SECTION 1.(k)** G.S. 116-239.8(b)(10), (11), (12), and (13) are repealed.

19 **SECTION 1.(l)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

20 "(17) Laboratory schools shall comply with the applicable requirements of Part 2 of
21 Article 8C of Chapter 115C of the General Statutes."

22 **SECTION 1.(m)** G.S. 115C-75.9 is amended by adding a new subsection to read:

23 "(h1) School Safety. – Innovative schools shall comply with the applicable requirements of
24 Part 2 of Article 8C of this Chapter."

25 **SECTION 1.(n)** Article 9C of Chapter 115C is amended by adding a new section to
26 read:

27 "§ 115C-150.16. School safety.

28 A school governed by this Article shall comply with the applicable requirements of Part 2 of
29 Article 8C of this Chapter."

30 **SECTION 1.(o)** Article 4 of Chapter 116 is amended by adding a new section to
31 read:

32 "§ 116-69.2. School safety.

33 The school shall comply with the applicable requirements of Part 2 of Article 8C of Chapter
34 115C of the General Statutes."

35 **SECTION 1.(p)** G.S. 116-235 is amended by adding a new subsection to read:

36 "(j) School Safety. – The school shall comply with the applicable requirements of Part 2
37 of Article 8C of Chapter 115C of the General Statutes."

38 **SECTION 1.(q)** G.S. 115C-551 reads as rewritten:

39 "§ 115C-551. Voluntary participation in the State programs.

40 (a) Any ~~such private church school or school of religious charter~~ may, on a voluntary
41 basis, participate in any State operated or sponsored program which would otherwise be available
42 to such school, including but not limited to the high school competency testing and statewide
43 testing programs.

44 (b) All private church schools and all schools of religious charter are strongly encouraged
45 to do the following:

46 (1) School Risk Management Plan. – In coordination with local law enforcement
47 agencies, adopt a School Risk Management Plan (SRMP) relating to incidents
48 of school violence. In constructing and maintaining these plans, the school
49 may utilize the School Risk and Response Management System (SRRMS)
50 established pursuant to G.S. 115C-105.49A. These plans are not considered a

public record as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

- (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies, in addition to implementing the provisions in G.S. 115C-105.52.
- (3) School safety exercises. – At least once a year, hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies that are part of the private school's SRMP.
- (4) Safety information provided to the Department of Public Safety, Division of Emergency Management. – Provide the following: (i) schematic diagrams, including digital schematic diagrams, and (ii) emergency response information requested by the Division for the SRMP. The schematic diagrams and emergency response information are not considered public records as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6."

SECTION 1.(r) G.S. 115C-559 reads as rewritten:

"§ 115C-559. Voluntary participation in the State programs.

(a) Any ~~such~~ qualified nonpublic school may, on a voluntary basis, participate in any State operated or sponsored program which would otherwise be available to such school, including but not limited to the high school competency testing and statewide testing programs.

(b) All qualified nonpublic schools are strongly encouraged to do the following:

- (1) School Risk Management Plan. – In coordination with local law enforcement agencies, adopt a School Risk Management Plan (SRMP) relating to incidents of school violence. In constructing and maintaining these plans, the school may utilize the School Risk and Response Management System (SRRMS) established pursuant to G.S. 115C-105.49A. These plans are not considered a public record as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.
- (2) Schematic diagrams and school crisis kits. – Provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies, in addition to implementing the provisions in G.S. 115C-105.52.
- (3) School safety exercises. – At least once a year, hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies that are part of the private school's SRMP.
- (4) Safety information provided to the Department of Public Safety, Division of Emergency Management. – Provide the following: (i) schematic diagrams, including digital schematic diagrams, and (ii) emergency response information requested by the Division for the SRMP. The schematic diagrams and emergency response information are not considered public records as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6."

SECTION 1.(s) This section is effective when it becomes law and applies beginning with the 2019-2020 school year.

PART II. CLARIFY THE POWERS AND DUTIES OF THE CENTER FOR SAFER SCHOOLS

SECTION 2.(a) G.S. 115C-105.57 reads as rewritten:

"§ 115C-105.57. Center for Safer Schools.

(a) Center for Safer Schools Established. – There is established the Center for Safer Schools. The Center for Safer Schools shall be administratively located in the Department of Public Instruction. The Center for Safer Schools shall consist of an ~~executive director~~ Executive

1 Director appointed by the Superintendent of Public Instruction and such other professional,
2 administrative, technical, and clerical personnel as may be necessary to assist the Center for Safer
3 Schools in carrying out its powers and duties.

4 (b) Executive Director. – The Executive Director shall report to and serve at the pleasure
5 of the Superintendent of Public Instruction at a salary established by the Superintendent within
6 the funds appropriated for this purpose.

7 (c) Powers and Duties. – The Center for Safer Schools shall have the following duties
8 and all other powers and duties provided in this Article.~~Article:~~

9 (1) Serve as a resource and referral center for the State by conducting research,
10 sponsoring workshops, and providing information regarding current school
11 safety concerns.

12 (2) Provide training and professional development for public school personnel in
13 the development and implementation of initiatives promoting school safety,
14 including ensuring school personnel know how to properly engage school
15 resource officers.

16 (3) Maintain and disseminate information to public schools on effective school
17 safety initiatives in North Carolina and across the nation, including proper
18 engagement of school resource officers by school personnel.

19 (4) Collect, analyze, and disseminate various North Carolina school safety data.

20 (5) Provide technical and instructional assistance to facilitate the development of
21 partnerships between the public and private sectors to promote school safety
22 in North Carolina.

23 (6) Recommend a system of accountability to the General Assembly to document
24 school safety exercises, including practice school lockdowns, required by
25 G.S. 115C-105.49.

26 (7) Assist law enforcement officers assigned to schools and their agencies in
27 active shooter response drills and other pertinent school safety-related
28 training.

29 (8) Collaborate with the North Carolina Justice Academy, the North Carolina
30 Criminal Justice Education and Training Standards Commission, and the
31 North Carolina Sheriffs' Education and Training Standards Commission to
32 establish and maintain updated training curriculum for school resource
33 officers.

34 (9) Coordinate grants for school resource officers in elementary and middle
35 schools and ensure that training requirements for school resource officers
36 funded by those grants are met.

37 (10) Provide technical assistance to public school units in the development and
38 implementation of initiatives promoting school safety.

39 (d) Agency Cooperation. – All State agencies and departments shall cooperate with the
40 Center for Safer Schools in carrying out its powers and duties, as necessary, in accordance with
41 this Article. The Center of Safer Schools shall coordinate, collaborate, and seek information as
42 necessary to carry out its duties and responsibilities from State and local government agencies,
43 who shall provide information upon request to the Center. These agencies include the following:

44 (1) Department of Public Safety.

45 (2) Department of Health and Human Services.

46 (3) Department of Public Instruction.

47 (4) North Carolina Justice Academy.

48 (5) Governor's Crime Commission.

49 (6) State Bureau of Investigation Fusion Center, Information Sharing, and
50 Analysis Center.

51 (7) Governing bodies of public school units.

1 (8) Local law enforcement agencies.

2 (e) Task Force Guidance. – The Center of Safer Schools shall receive guidance and
3 advice from the Task Force for Safer Schools."

4 **SECTION 2.(b)** This section is effective when it becomes law.

6 **PART III. STATE OF EMERGENCY OPERATIONAL STATUS REPORTING**

7 **SECTION 3.(a)** Article 8C of Chapter 115C of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 115C-105.50. State of emergency operational reports.**

10 (a) For purposes of this section, the term "countywide state of emergency" means a state
11 of emergency with a defined area covering the entirety of the jurisdiction of a county declared
12 by any of the following:

13 (1) The President of the United States, under the Stafford Act (P.L. 93-288).

14 (2) The General Assembly, under G.S. 166A-19.20.

15 (3) The Governor, under G.S. 166A-19.20.

16 (4) The governing body of a county, under G.S. 166A-19.22.

17 (b) In the event of a countywide state of emergency, each public school unit in the county
18 under the state of emergency shall report the operational status of all schools in the unit's
19 jurisdiction to each of the following as long as the countywide state of emergency is in place:

20 (1) Department of Public Safety, Division of Emergency Management.

21 (2) The local emergency management agency for that county.

22 (3) Local board of county commissioners or designee."

23 **SECTION 3.(b)** This section is effective when it becomes law and applies beginning
24 with the 2019-2020 school year.

26 **PART IV. SCHOOL RESOURCE OFFICER DEFINED/TRAINING** 27 **STANDARDS/REPORTS**

28 **SECTION 4.(a)** Article 8C of Chapter 115C of the General Statutes is amended by
29 adding a new section to read:

30 **"§ 115C-105.70. School resource officer.**

31 (a) A school resource officer is any law enforcement officer assigned to one or more
32 public schools within a public school unit for at least 20 hours per week for more than 12 weeks
33 per calendar year to assist with all of the following, consistent with any written memorandum of
34 understanding between the public school unit and the law enforcement agency governing the
35 school resource officer:

36 (1) School safety.

37 (2) School security.

38 (3) Emergency preparedness.

39 (4) Emergency response.

40 (5) Any additional responsibilities related to school safety or security assigned by
41 the officer's employer while the officer is acting as a school resource officer.

42 (b) All school resource officers shall comply with initial training standards, as established
43 by subsection (c) of this section, within one year of being assigned as a school resource officer.
44 After initial training, all school resource officers shall comply with continuing education
45 standards, as established by subsection (c) of this section.

46 (c) The North Carolina Criminal Justice Education and Training Standards Commission
47 and the North Carolina Sheriffs' Education and Training Standards Commission, in collaboration
48 with the Center for Safer Schools and the Department of Health and Human Services, Division
49 of Mental Health, Developmental Disabilities, and Substance Abuse, shall establish initial
50 training and continuing education standards for school resource officers. These standards shall,

1 at a minimum, include training on the following topics: mental health, students with disabilities,
2 racial equity, and crisis intervention and de-escalation."

3 **SECTION 4.(b)** G.S. 17C-6(a) is amended by adding a new subdivision to read:

4 "(19) Establish initial training and continuing education training standards for
5 school resource officers, as set forth in G.S. 115C-105.70."

6 **SECTION 4.(c)** G.S. 17E-4(a) is amended by adding a new subdivision to read:

7 "(17) Establish initial training and continuing education training standards for
8 school resource officers, as set forth in G.S. 115C-105.70."

9 **SECTION 4.(d)** The North Carolina Criminal Justice Education and Training
10 Standards Commission and the North Carolina Sheriffs' Education and Training Standards
11 Commission, in collaboration with the Center for Safer Schools and the Department of Health
12 and Human Services, Division of Mental Health, Developmental Disabilities, and Substance
13 Abuse, shall establish initial training standards for school resource officers no later than January
14 15, 2020.

15 **SECTION 4.(e)** Article 8C of Chapter 115C of the General Statutes is amended by
16 adding a new section to read:

17 "**§ 115C-105.71. School resource officer reports.**

18 (a) Each public school unit shall report by September 15, 2019, and annually thereafter,
19 in writing to the Center for Safer Schools the number of school resource officers and the
20 placement of each school resource officer in the public school unit. This report shall include the
21 source of funding and method of employment for each school resource officer position.

22 (b) The Center for Safer Schools shall report by November 15, 2019, and annually
23 thereafter, to the Joint Legislative Education Oversight Committee an executive summary and
24 the disaggregated data for each public school unit regarding the information reported by public
25 school units pursuant to subsection (a) of this section."

26 **SECTION 4.(f)** This section is effective when it becomes law. Subsection (a) of this
27 section applies to school resource officers assigned on or after January 1, 2020. All school
28 resource officers assigned on January 1, 2020, shall complete initial training no later than
29 December 31, 2020.

30 31 **PART V. SCHOOL BUILDING VULNERABILITY ASSESSMENT**

32 **SECTION 5.(a)** Article 8C of Chapter 115C of the General Statutes is amended by
33 adding a new section to read:

34 "**§ 115C-105.52A. Facility vulnerability assessments.**

35 (a) At least once annually, each governing body of a public school unit shall require each
36 school under its control to complete a facility vulnerability assessment for each school building.

37 (b) The Center for Safer Schools, in collaboration with the Department of Public
38 Instruction, Division of School Operations, and the Department of Public Safety, shall develop a
39 facility vulnerability assessment tool. This tool shall be in the form of a checklist designed to
40 assess the potential vulnerabilities arising from day-to-day policies and procedures in the
41 operation of school buildings. This tool shall be used by public school units when completing a
42 facility vulnerability assessment.

43 (c) No governing body of a public school unit, nor its members, employees, designees,
44 agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused
45 by any act or omission relating to the participation in or implementation of a facility vulnerability
46 assessment required by this section, unless that act or omission amounts to gross negligence,
47 wanton conduct, or intentional wrongdoing. Nothing in this section shall be construed to impose
48 any specific duty of care or standard of care."

49 **SECTION 5.(b)** G.S. 115C-105.49A(b), as amended by Section 1(c) of this act,
50 reads as rewritten:

1 "(b) In constructing the SRRMS, the Division of Emergency Management and the Center
2 for Safer Schools shall leverage the existing enterprise risk management database, the School
3 Risk Management Planning tool managed by the Division. The Division shall also leverage the
4 public school unit and participating nonpublic school schematic diagrams of school facilities.
5 Where technically feasible, the SRRMS shall integrate any anonymous tip lines established
6 pursuant to G.S. 115C-105.51 and any 911-initiated panic alarm systems authorized as part of a
7 SRMP pursuant to G.S. 115C-47(40). Where technically feasible, the SRRMS shall integrate any
8 facility vulnerability assessments as part of an SRMP pursuant to G.S. 115C-105.52A. The
9 Division and the Center for Safer Schools shall collaborate with the Department of Public
10 Instruction and the North Carolina 911 Board in the design, implementation, and maintenance of
11 the SRRMS."

12 **SECTION 5.(c)** This section is effective when it becomes law. The Center for Safer
13 Schools and the Department of Public Instruction shall develop the facility vulnerability
14 assessment tool by January 15, 2020. Each governing body of a public school unit shall require
15 each school under its control to complete a facility vulnerability assessment for each school
16 building before the end of the 2019-2020 school year and annually thereafter.

18 **PART VI. THREAT ASSESSMENT TEAMS**

19 **SECTION 6.(a)** Article 8C of Chapter 115C of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 115C-105.60. Threat assessment teams.**

22 (a) Definitions. – The following definitions apply in this section:

23 (1) Superintendent. – The superintendent or, if there is no superintendent, the staff
24 member with the highest decision-making authority.

25 (2) Threat. – A concerning communication or behavior that indicates that a
26 student may pose a danger to the safety of school staff or students through acts
27 of violence or other behavior that would cause harm to self or others. A threat
28 may be expressed or communicated behaviorally, orally, visually, in writing,
29 electronically, or through any other means, and may be considered a threat
30 regardless of whether it is observed by or communicated directly to the target
31 of the threat or observed by or communicated to a third party, and regardless
32 of whether the target of the threat is aware of the threat.

33 (3) Threat assessment. – A fact-based process emphasizing an appraisal of
34 observed, or reasonably observable, behaviors to identify potentially
35 dangerous or violent situations, to assess them, and to manage or address
36 them.

37 (4) Threat assessment team. – A team that includes persons with expertise in
38 counseling, instruction, school administration, and law enforcement that
39 conducts threat assessments in a public school unit when a threat has been
40 communicated. When practicable, at least one member of a threat assessment
41 team shall be a school psychologist. If a school psychologist is not available,
42 a psychologist or psychiatrist may be a member of a threat assessment team
43 instead, if practicable. Members of a threat assessment team who are not
44 employees of the public school unit may review student records as provided
45 in 34 C.F.R. § 99.31(a)(1)(i)(B) pursuant to a written agreement with the
46 public school unit of the requirements and responsibilities for use of student
47 records under the federal Family Educational Rights and Privacy Act.

48 (b) The governing body of the public school unit shall adopt at a minimum the policies
49 developed by the Center for Safer Schools, in accordance with G.S. 115C-105.57(c)(7), for the
50 establishment of threat assessment teams, including the conduct of threat assessments and
51 intervention with students whose behavior may pose a risk to the safety of school staff or

1 students. These policies shall not reference or reveal any information that has been excluded as
2 a public record under G.S. 115C-47(40), Part 2 of Article 8C of this Chapter, or any other relevant
3 statute.

4 (c) The superintendent or designee may establish a committee charged with coordination
5 and monitoring of the threat assessment teams operating within the unit, which may be an existing
6 committee established by the unit. If a committee is established, the committee shall include
7 individuals with expertise in human resources, education, school administration, mental health,
8 and law enforcement.

9 (d) Each school in the public school unit shall have a threat assessment team established
10 by the superintendent. In the discretion of the superintendent, an established threat assessment
11 team may serve more than one school in the unit. Each team shall do the following:

12 (1) Provide guidance to students, faculty, and staff regarding recognition of
13 threatening or aberrant behavior that may represent a risk to the community,
14 school, or self.

15 (2) When a threat has been communicated, conduct threat assessments to
16 determine appropriate actions and intervention based on the level of risk
17 determined by the assessment. A threat assessment team may consult with the
18 State Bureau of Investigation if needed in conducting the threat assessment.
19 A threat assessment team shall determine the level of risk posed by a student
20 or situation as follows:

21 a. Low risk. – The student or situation does not appear to pose a risk of
22 violence or serious harm to self or others and any exhibited issues or
23 concerns can be resolved easily.

24 b. Moderate risk. – The student or situation does not appear to pose a risk
25 of violence or serious harm to self or others, at this time, but exhibits
26 behaviors that indicate a continuing intent and potential for future
27 violence or serious harm to self or others or exhibits other concerning
28 behavior that requires intervention.

29 c. High risk. – The student or situation appears to pose a risk of violence
30 or serious harm to self or others, exhibiting behaviors that indicate
31 both a continuing intent to harm and efforts to acquire the capacity to
32 carry out the plan, and may also exhibit other concerning behavior that
33 requires intervention.

34 d. Imminent risk. – The student or situation appears to pose a clear and
35 immediate risk of serious violence toward others that requires
36 containment and action to protect identified or identifiable target or
37 targets and may also exhibit other concerning behavior that requires
38 intervention.

39 (3) Identify members of the school community to whom threats should be
40 reported.

41 (4) Implement policies adopted by the governing body of the public school unit
42 pursuant to subsection (b) of this section.

43 (5) Utilize anonymous reporting applications for students to receive information
44 about school safety concerns requiring investigation.

45 (e) Upon a determination that a student poses a high risk or imminent risk of violence or
46 physical harm to self or others, a threat assessment team shall immediately report its
47 determination to the superintendent or the superintendent's designee, who shall respond as
48 follows:

49 (1) The superintendent or designee shall immediately attempt to notify the
50 student's parent or legal guardian. The superintendent may delegate the

1 responsibility for notification to the principal of the school and may require
2 notice be made to the principal directly.

3 (2) In the case of an imminent-risk threat determined to be an emergency by the
4 superintendent or designee under the standards established by the Family
5 Educational Rights and Privacy Act in 20 U.S.C. § 1232g(b)(1)(I), the
6 superintendent or designee shall provide notice to individuals who are the
7 subject of the threat and, if a student is the subject of a threat, the
8 superintendent or designee shall provide notice to the student's parent or legal
9 guardian. All notices shall be in accordance with the Family Educational
10 Rights and Privacy Act, 20 U.S.C. § 1232g. The superintendent may delegate
11 the responsibility for notification to the principal of the school and may
12 require notice be made to the principal directly.

13 (3) In the case of an imminent-risk threat, the superintendent or designee shall
14 immediately notify the appropriate local law enforcement agency and the
15 State Bureau of Investigation. In the case of a high-risk threat, the
16 superintendent or designee shall notify the appropriate local law enforcement
17 agency when recommended by the threat assessment team.

18 (4) When the threat assessment team makes a recommendation that the student be
19 referred for mental health services, the superintendent or designee shall notify
20 the student's parent or legal guardian of all of the following information:

21 a. That the threat assessment team has recommended that the student be
22 referred for mental health services.

23 b. That if the student is covered by private insurance or a Medicaid
24 prepaid health plan, then the parent or guardian is encouraged to
25 contact the student's primary care provider or insurance company.

26 c. That if the student is uninsured or is covered by Medicaid and not
27 enrolled in a prepaid health plan, then the parent or guardian is
28 encouraged to contact the local management entity/managed care
29 organization that serves the catchment area where the student resides.

30 d. That with the parent or legal guardian's consent, if the student is
31 uninsured or is covered by Medicaid and not enrolled in a prepaid
32 health plan, then the superintendent or designee shall make a referral
33 that includes the parent or guardian's contact information to the local
34 management entity/managed care organization that serves the
35 catchment area where the student resides.

36 (5) The superintendent or designee shall comply with the requirements of Article
37 27 of this Chapter for any student discipline actions.

38 Nothing in this subsection shall preclude public school personnel from acting immediately to
39 address an imminent-risk threat.

40 (f) Each threat assessment team established pursuant to this section shall report
41 quantitative data on its activities to the Center for Safer Schools according to guidance developed
42 by the Center. Such data shall include, at a minimum, the following:

43 (1) Number of threat assessments conducted annually and demographic
44 information on subjects of those assessments.

45 (2) Number of threat assessments that resulted in a determination that the student
46 being assessed was a high-risk or imminent-risk threat and demographic
47 information on those students.

48 (3) Types of actions taken in response to a determination that the student being
49 assessed was a high-risk or imminent-risk threat.

50 (4) Results of actions taken in response to determination that the student being
51 assessed was a high-risk or imminent-risk threat.

1 (g) Upon a determination by the threat assessment team that a student poses an
2 imminent-risk threat, a threat assessment team may obtain the following:

3 (1) Health records. – Notwithstanding G.S. 8-53 or any other provision of law, a
4 health care provider may disclose protected health information related to an
5 imminent-risk threat to the health or safety of school staff or students to a
6 member of a threat assessment team who is a school nurse, school
7 psychologist, or other licensed health or licensed mental health professional.
8 The member of the threat assessment team who receives the health records
9 shall provide an explanation of the health records when sharing those records
10 with the remainder of the threat assessment team.

11 (2) Criminal records. – A threat assessment team may obtain criminal history as
12 provided in G.S. 143B-931A. For a threat assessment of a student with
13 juvenile records, the threat assessment team shall have access to written
14 notifications received pursuant to G.S. 7B-3101 and information gained from
15 examination of juvenile records in accordance with G.S. 7B-3100, held
16 pursuant to G.S. 115C-404. Records held pursuant to G.S. 115C-404 shall be
17 returned to the principal following review by the threat assessment team.

18 Any information shared among members of the threat assessment team pursuant to this
19 subsection shall remain confidential, shall not be a public record subject to Chapter 132 of the
20 General Statutes, and shall only be released in connection with an emergency under the standards
21 established by the Family Educational Rights and Privacy Act in 20 U.S.C. § 1232g(b)(1)(I).

22 (h) No governing body of a public school unit, nor its members, employees, designees,
23 agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused
24 by any act or omission relating to the participation in or implementation of any component of the
25 threat assessment team policies required by this section, unless that act or omission amounts to
26 gross negligence, wanton conduct, or intentional wrongdoing. Nothing in this section shall be
27 construed to impose any specific duty of care or standard of care."

28 **SECTION 6.(b)** Article 13 of Chapter 143B of the General Statutes is amended by
29 adding a new section to read:

30 **§ 143B-931.1. Criminal record checks for threat assessment teams.**

31 The Department of Public Safety may provide a criminal record check to the members of a
32 threat assessment team established by the governing body of a public school unit, as defined in
33 G.S. 115C-5(11), pursuant to G.S. 115C-105.60 for the purpose of administering criminal justice
34 in assessing or intervening when a determination has been made that a student poses an
35 imminent-risk threat to school safety. No member of a threat assessment team shall redisclose
36 any criminal history record information obtained pursuant to this section or otherwise use any
37 record of a student beyond the purpose that such disclosure was made to the threat assessment
38 team."

39 **SECTION 6.(c)** G.S. 115C-47 is amended by adding a new subdivision to read:

40 "(64) Peer-to-peer student support programs. – Local boards of education shall
41 require peer-to-peer student support programs be established at all schools
42 with grades six and higher and are encouraged to implement peer-to-peer
43 student support programs as appropriate in other grades."

44 **SECTION 6.(d)** G.S. 115C-105.57, as amended by Section 2(a) of this act, is
45 amended by adding a new subdivision to read:

46 "(11) Develop policies for threat assessment teams for public school units in
47 consultation with the Task Force for Safer Schools, Disability Rights North
48 Carolina, the State Bureau of Investigation, and relevant State government
49 agencies. These policies shall not reference or reveal any information that has
50 been excluded as a public record under G.S. 115C-47(40), Part 2 of Article

1 8C of this Chapter, or any other relevant statute. These policies shall include
2 at a minimum procedures for all of the following:

- 3 a. Assessment of and intervention with a student whose behavior poses
4 a risk to the safety of school staff or students.
5 b. Involvement of the student's parent or legal guardian throughout the
6 threat assessment process.
7 c. Referral to LME/MCOs, as provided in G.S. 122C-115.4(b)(9), for
8 evaluation or treatment, when appropriate.
9 d. Compliance with the Family Educational Rights and Privacy Act
10 (FERPA), 20 U.S.C. § 1232g, the Individuals with Disabilities
11 Education Act (IDEA), 29 U.S.C. § 1400, et seq., and Article 9 of
12 Chapter 115C of the General Statutes."

13 **SECTION 6.(e)** G.S. 115C-316.1 is amended by adding a new subsection to read:

14 "(c) School counselors, as part of the direct services provided in subsection (a) of this
15 section, shall coordinate and provide training for students in peer-to-peer student support
16 programs that address areas such as conflict resolution, general health and wellness, and
17 mentoring. The Center for Safer Schools will support school counselors in the administration and
18 delivery of peer-to-peer student support programs."

19 **SECTION 6.(f)** G.S. 122C-115.4(b) is amended by adding a new subdivision to
20 read:

21 "(9) Each LME/MCO shall receive referrals from school superintendents or
22 designees in accordance with G.S. 115C-105.60(e)(4)d. related to students
23 who are uninsured or are covered by Medicaid and not enrolled in a prepaid
24 health plan residing in the LME/MCO's catchment area. Within 10 calendar
25 days after receipt of a referral, the LME/MCO shall contact the student's
26 parent or legal guardian using the information provided on the referral and
27 shall provide assistance with identifying appropriate existing mental health
28 resources available to the student. The assistance shall include identifying
29 sources of funding to assist with the cost of mental health services as well as
30 providing referrals to appropriate mental health service providers and mental
31 health services."

32 **SECTION 6.(g)** This section is effective when it becomes law. Policies for threat
33 assessment teams required by G.S. 115C-105.57(c)(11), as enacted by this section, shall be
34 developed by the Center for Safer Schools no later than December 31, 2019. All public school
35 units shall establish policies and threat assessment teams as required by G.S. 115C-105.60, as
36 enacted by this section, no later than March 1, 2020. Sections 6(c) and 6(e) of this act apply
37 beginning with the 2020-2021 school year. All local boards of education are encouraged to have
38 peer-to-peer student support programs by the 2019-2020 school year. The remainder of this
39 section applies beginning with the 2019-2020 school year.

40 **PART VII. FUNDING FOR DIGITAL PANIC ALARM APPLICATION**

41 **SECTION 7.** Of the funds appropriated to the Department of Public Instruction for
42 the 2018-2019 fiscal year for the anonymous safety tip line application, the Department of Public
43 Instruction shall transfer the unencumbered balance, up to one million five hundred thousand
44 dollars (\$1,500,000), to the Department of Public Safety to continue implementation of a digital
45 panic alarm application based on the May 2018 report of the Division of Emergency Management
46 of the Department of Public Safety, entitled "Panic Alarm Solution for North Carolina K-12
47 Public Schools."
48

49 **PART VIII. TRAUMA KITS IN SCHOOLS**

50 **SECTION 8.(a)** G.S. 115C-47 is amended by adding a new subdivision to read:
51

1 "(64) To Require Trauma Kits. – In accordance with G.S. 115C-105.52B, each local
2 board of education shall require the placement of at least one trauma kit in
3 each classroom of every school under the authority of the local school
4 administrative unit."

5 **SECTION 8.(b)** G.S. 115C-12 is amended by adding a new subdivision to read:

6 "(47) Duty Regarding Trauma Kits. – In accordance with G.S. 115C-105.52B, the
7 State Board of Education shall require the placement of at least one trauma kit
8 in each classroom of every school located in a public school unit, operated
9 under the control of the State Board of Education."

10 **SECTION 8.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:

11 "(e2) Trauma Kits. – A charter school shall require the placement of at least one trauma kit
12 in each classroom of the school in accordance with G.S. 115C-105.52B."

13 **SECTION 8.(d)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

14 "(7f) Trauma kits. – A regional school shall require the placement of at least one
15 trauma kit in each classroom of the school in accordance with
16 G.S. 115C-105.52B."

17 **SECTION 8.(e)** G.S. 116-11 is amended by adding a new subdivision to read:

18 "(12f) In accordance with G.S. 115C-105.52B, the Board of Governors shall require
19 the placement of at least one trauma kit in each classroom of every school
20 located in a public school unit operated under the control of the Board of
21 Governors."

22 **SECTION 8.(f)** G.S. 115C-105.49(a), as amended by Section 1(b) of this act, reads
23 as rewritten:

24 "(a) At least once annually, each public school unit shall require each school under its
25 control to hold a full school-wide tabletop exercise and drill based on the procedures documented
26 in its School Risk Management Plan (~~SRMP~~)(SRMP), including a presentation on the location
27 and use of any trauma kits placed in the school, and shall report the date and time the drill is
28 conducted to the Center for Safer Schools. The drill shall include a practice school lockdown due
29 to an intruder on school grounds. Each school is encouraged to hold a tabletop exercise and drill
30 for multiple hazards included in its SRMP. Schools are strongly encouraged to include local law
31 enforcement agencies and emergency management agencies in their tabletop exercises and drills.
32 The purpose of the tabletop exercises and drills shall be to permit participants to (i) discuss
33 simulated emergency situations in a low-stress environment, (ii) clarify their roles and
34 responsibilities and the overall logistics of dealing with an emergency, and (iii) identify areas in
35 which the SRMP needs to be modified."

36 **SECTION 8.(g)** Article 8C of Chapter 115C of the General Statutes is amended by
37 adding a new section to read:

38 "**§ 115C-105.52B. Trauma kits.**

39 (a) Optional Contents. – A trauma kit may contain, in the discretion of the principal or
40 equivalent administrator of the school, any of the following items:

41 (1) One bleeding control dressing.

42 (2) Two compact chest seals.

43 (3) Other medical materials and equipment that meet all of the following
44 requirements:

45 a. Can adequately treat a traumatic injury.

46 b. Can be stored in a readily available trauma kit.

47 c. Are approved by the Federal Commission on School Safety, the
48 Combat Casualty Care Research Program of the United States Army
49 Medical Research and Materiel Command, and the American College
50 of Surgeons.

1 **(b) Location.** – The governing body of each public school unit, in coordination with (i)
2 the superintendent or equivalent administrator of that unit, (ii) the principal or equivalent
3 administrator of each school within that unit, and (iii) local law enforcement and emergency
4 management agencies with jurisdiction, shall place at least one trauma kit at an appropriate and
5 easily accessible location in each classroom of every school within the unit.

6 **(c) Training.** – All school personnel who are reasonably expected to use a trauma kit, as
7 determined by the superintendent or equivalent administrator of the public school unit, shall
8 complete training biannually on the appropriate use of a trauma kit. The Department of Public
9 Instruction and the Center for Safer Schools, in consultation with the Department of Public
10 Safety, shall provide or contract for adequate training on the use of trauma kits. At a minimum,
11 the training shall meet all of the following requirements:

12 **(1)** Curriculum shall adhere to best practices for active shooter preparedness and
13 response as provided by the Federal Bureau of Investigation, the Federal
14 Commission on School Safety, and the United States Department of
15 Homeland Security.

16 **(2)** Address the proper application of pressure to stop bleeding, the proper
17 application of dressings and bandages, additional pressure techniques to
18 control bleeding, and the proper application of tourniquets.

19 **(3)** Incorporate any training modules for active shooter preparedness and response
20 recommended by the Federal Bureau of Investigation, the Federal
21 Commission on School Safety, and the United States Department of
22 Homeland Security. Training modules for active shooter preparedness and
23 response shall be led by persons who have completed the Active Shooter
24 Threat Instructor Training Program provided by the United States Department
25 of Homeland Security.

26 **(d) Inventory.** – The principal or equivalent administrator of each school within a public
27 school unit shall inspect every trauma kit in the school each year to ensure that materials,
28 supplies, and equipment are not expired. The principal or equivalent administrator shall replace
29 any expired materials, supplies, or equipment, as necessary.

30 **(e) Online Usage Tool; Restocking.** – No later than January 1, 2020, the Department of
31 Public Instruction shall create an online usage tool to permit principals or equivalent
32 administrators within public school units to provide information on the use and contents of all
33 trauma kits located in a school. After each use of a trauma kit, the principal or equivalent
34 administrator shall replace any used materials, supplies, or equipment, as necessary, and inform
35 the Department via the online usage tool of the date of the use, the reason for the use, and any
36 components of the trauma kit that were replaced as a result. No later than August 1, 2021, and
37 each year thereafter, the Department shall report the most up-to-date information provided via
38 the online usage tool to the Joint Legislative Education Oversight Committee and the Fiscal
39 Research Division."

40 **SECTION 8.(h)** This section becomes effective July 1, 2019, and applies beginning
41 with the 2019-2020 school year.

42 43 **PART IX. EFFECTIVE DATE**

44 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes
45 law.